

Combined Declaration for Patent Application and Power of Attorney

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

(insert full title here) **GENOMIC DNA ENCODING A POLYPEPTIDE CAPABLE OF INDUCING THE PRODUCTION OF INTERFERON-GAMMA**
the specification of which (check one)

☒ is attached hereto;

☐ was filed in the United States under 35 U.S.C. §111 on _____, as
USSN _____*; or

☐ was/will be filed in the U.S. under 35 U.S.C. §371 by entry into the U.S. national stage of an international (PCT) application, PCT/_____; filed _____,
entry requested on _____*; national stage application received
USSN _____*; §371/§102(e) date _____* (*if known),

and was amended on _____ (if applicable).

(include dates of amendments under PCT Art. 19 and 34 if PCT)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above; and I acknowledge the duty to disclose to the Patent and Trademark Office (PTO) all information known by me to be material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119, 365 of any prior foreign application(s) for patent or inventor's certificate, or prior PCT application(s) designating a country other than the U.S., listed below with the "Yes" box checked and have also identified below any such application having a filing date before that of the application on which priority is claimed:

<u>185305/1996</u>	<u>Japan</u>	<u>27th June 1996</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day Month Year Filed)	YES	NO
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day Month Year Filed)	YES	NO
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day Month Year Filed)	YES	NO

I hereby claim the benefit under 35 U.S.C. § 120 of any prior U.S. non-provisional Application(s) or prior PCT Application(s) designating the U.S. listed below, or under § 119(e) of any prior U.S. provisional applications listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in such U.S. or PCT application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the PTO all information as defined in 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application and the national filing date of this application:

_____ (Application Serial No.)	_____ (Day Month Year Filed)	_____ (Status: patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Day Month Year Filed)	_____ (Status: patented, pending, abandoned)

I hereby appoint the following attorneys, with full power of substitution, association, and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SHERIDAN NEIMARK, REG. NO. 20,520 - ROGER L. BROWDY, REG. NO. 25,618 - ANNE M. KORNBAU, REG. NO. 25,884
NORMAN J. LATKER, REG. NO. 19,963 - IVER P. COOPER, REG. NO. 28,005 - ALLEN C. YUM, REG. NO. 37,971*
NICK S. BROMER, REG. NO. 33,478 - * Patent Agent

ADDRESS ALL CORRESPONDENCE TO
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DIRECT ALL TELEPHONE CALLS TO:
BROWDY AND NEIMARK
(202) 628-5197

The undersigned hereby authorizes the U.S. Attorneys or Agents named herein to accept and follow instructions from SUMA PATENT OFFICE as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. Attorney or Agent and the undersigned. In the event of a change of the persons from whom instructions may be taken, the U.S. Attorneys or Agents named herein will be so notified by the undersigned.

Title: GENOMIC DNA ENCODING A POLYPEPTIDE CAPABLE OF INDUCING THE PRODUCTION OF
 U.S. Application filed _____, Serial No. _____ INTERFERON-GAMMA
 PCT Application filed _____, Serial No. _____

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST INVENTOR Takanori OKURA		INVENTOR'S SIGNATURE <i>Takanori Okura</i>	DATE June 17, '97
RESIDENCE Okayama, Japan		CITIZENSHIP Japanese	
POST OFFICE ADDRESS 14-53, Kamino-cho 1-chome, Kojima, Kurashiki-shi, Okayama, Japan			
FULL NAME OF SECOND JOINT INVENTOR Kakuji TORIGOE		INVENTOR'S SIGNATURE <i>Kakuji Torigoe</i>	DATE June 17, '97
RESIDENCE Okayama, Japan		CITIZENSHIP Japanese	
POST OFFICE ADDRESS 1343-5, Fujito, Fujito-cho, Kurashiki-shi, Okayama, Japan			
FULL NAME OF THIRD JOINT INVENTOR Masashi KURIMOTO		INVENTOR'S SIGNATURE <i>Masashi Kurimoto</i>	DATE June 17, '97
RESIDENCE Okayama, Japan		CITIZENSHIP Japanese	
POST OFFICE ADDRESS 7-25, Gakunan-cho 2-chome, Okayama-shi, Okayama, Japan			
FULL NAME OF FOURTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF FIFTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF SIXTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF SEVENTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			

ASSIGNMENT

(1-5) Insert Name(s) of Inventors

- (1) Takanori OKURA
- (2) Kakui TORIGOE
- (3) Masashi KURIMOTO
- (4) _____
- (5) _____

In consideration of the sum of ten dollars (\$10.00) and other good and valuable considerations paid to each of the undersigned, the receipt of which is hereby acknowledged, each of the undersigned agrees to assign, and hereby does assign, and set over to

(6) Insert name of Assignee

- (6) KABUSHIKI KAISHA HAYASHIBARA SEIBUTSU KAGAKU
KENKYUJO

(7) Insert address of Assignee

- (7) 2-3, 1-chome, Shimoishii, Okayama-shi
Okayama, Japan

(hereinafter designated as the Assignee) the entire right, title and interest owned by the undersigned for the United States, its territories, dependencies and possessions, in the invention known as

(8) Insert identification of Invention, such as Title, Case Number or Foreign Application Number

- (8) GENOMIC DNA ENCODING A POLYPEPTIDE CAPABLE OF
INDUCING THE PRODUCTION OF INTERFERON-GAMMA

for which the undersigned has executed an application for patent in the United States of America

(9) Insert Date of Signing of Application

- (9) on even date herewith

(10) Alternative identification for filed applications

- (10) U.S. application Serial Number 08/884,324,
filed 6/27/97

and each of the undersigned also agrees to assign, and hereby does assign, transfer and set over to said assignee all applications for patent and any original and reissued Letters Patent of the United States granted for said invention and any divisions, reissues, continuations and extensions thereof and in and to any Letters Patent that may be granted thereon, including the subject matter of any and all claims which may be obtained in every such patent.

1) Each of the undersigned agrees to execute all papers in connection with the application and any continuing or divisional or reissue applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient or essential to its full protection and title in and to the invention hereby transferred.

2) Each of the undersigned agrees to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation or division or re-issue thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

3) Each of the undersigned agrees to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the Assignee.

4) Each of the undersigned agrees to communicate to the Assignee or representatives thereof any facts known to me (us) respecting the invention and improvements thereof, and will, upon request, but without expense to me (us), testify in any legal proceedings regarding the invention.

5) Each of the undersigned hereby authorizes and requests the Commissioner of Patents to issue any and all Letters Patents of the United States resulting from said application or any division or divisions or continuing applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he or she has full right to convey the entire interest herein assigned, and that he or she has not executed and will not execute, any agreement in conflict herewith.

6) Each of the undersigned hereby grants the firm of Browdy and Neimark the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent Office for recordation of this document.

7) This Assignment shall be binding upon my heirs, executors, administrators, and/or assigns, and shall inure to the benefit of the heirs, executors, administrators, successors and/or assigns of the Assignee.

In witness whereof, executed by each of the undersigned on the date opposite the name of the undersigned.

- (1) Date June 17, '97 Signature of Inventor Takanori Okura
- (2) Date June 17, '97 Signature of Inventor Kakui Torigoe
- (3) Date June 17, '97 Signature of Inventor Masashi Kurimoto
- (4) Date _____ Signature of Inventor _____
- (5) Date _____ Signature of Inventor _____

- Date June 17, 1997 Witness Yutaka Sakurai
- Date _____ Witness _____